D.B. CIVIL SPL. APPEAL NO.513/2006

Sukhdeo Singh **Vs.** State Farm Corporation of India & Anr.

Date : 02.08.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. R.S. Saluja for the appellant.

This petition is directed against the imposition of punishment of compulsory retirement in pursuance of charge sheet served somewhere in 1978.

The admitted position is that the petitioner remained absent from duty since 1977 for almost 4 years until charge sheet was served. The reason for remaining absent is that since he was transferred from present place of posting to a far away place of Assam and some other domestic problems, he did not join there. The fact that the petitioner was again transferred by the Tribunal on 4.9.1981 but then also he did not join and report merely because the Tribunal has observed that the petitioner shall make a fresh representation and

employer can consider his case sympathetically about the transfer order does not give any aid to the incumbent to remain absent from duty.

In these circumstances, we are of the opinion that these admitted facts are sufficient to uphold the discretion exercised by the learned Single Judge in not entertaining the writ petition under Article 226.

The appeal fails and is hereby dismissed.

[GOPAL KRISHAN VYAS], J. [RAJESH BALIA], J.

babulal/